REMARKS:

The claims have been amended above solely for the purpose of placing this European-origin application in a form and format that is in accordance with U.S. practice and to correct other formal matters and errors. Thus, the claims have generally been amended to remove improper multiple dependencies, to change "A" to "The" at the beginning of dependent claims, and to remove representative recitations (*e.g.*, "such as ..." and "for example ...") which are not generally acceptable under US practice. Additionally:

- "Use" claims 1, 16 and 17 have been placed in a method format more acceptable under U.S. practice.
- In compound claim 2, the groups C_{1-6}alkyl, benzyl and a straight-chain C_{1-6} alkyl substituted at its terminus by (6-aminopyridin-3-yl)methyl have been added to the definition of R^2 to provide antecedent basis for certain of the dependent claims. Support is found in the specification, *e.g.*, at page 9, lines 15-19.
- The dependency of compound claims 5 and 6 has been changed to method claim 1 inasmuch as they did not further limit the compound claims upon which they were dependent.
- Claim 15 has been amended in the definitions of R^{3a} to correct the recitation of "$R^{15\ is}$" to "R^{15} is," and to replace the corrupted second figure in that claim with the correct figure for compound 6 at specification page 29.
- Claim 20 has been amended to move the structure of formula VI up to a more appropriate location in this claim.
- New method claim 22 has been added, dependent on method claim 1. Support is found, *e.g.*, in original claim 17 and at specification page 3, lines 2-4.

Additionally, the recitations of "or solvate thereof, or a solvate of such salt" have been removed from the claims as being unnecessary, superfluous and possibly confusing inasmuch as the claims to the compounds *per se*, or pharmaceutically acceptable salts thereof, already encompasses the various form that such compounds and salts may take, such as whether crystalline or amorphous, whether or not in the form of a hydrate or solvate, or in any

polymorphic form. The removal of the "solvate" recitations therefore, is not intended to change the scope of the claims in any respect and, in fact, does not do so.

More specifically with respect to solvates, a solvate, in the pharmaceutical context as defined in Stedman's Medical Dictionary (and similarly in the PDR Medical Dictionary), is simply "a nonaqueous solution or dispersoid in which there is a noncovalent or easily reversible combination between solvent and solute, or dispersion means and disperse phase; when water is the solvent or dispersion medium, it is called a hydrate." The solvent molecule of a solvate has been described as a species introduced into the crystal and no part of the organic host molecule is left out or replaced (see, *e.g.*, West, Solid State Chemistry at page 358). Thus, whether a chemically defined compound is or is not noncovalently associated with a solvent does not affect the scope of the claim to the compound, *per se*, any more than placing such compound in solution would remove the compound from the scope of such claim. Therefore, the alternative recitation of "or a solvate ... thereof" is seen as being entirely superfluous, and neither expands nor contracts the scope of these claims. In other words, a claim to a novel compound *per se* encompasses such compound, regardless of its state of solvation or hydration, or its polymorphic form, and regardless of whether it is a racemic mixture or a resolved enantiomer. The removal of this superfluous and possibly confusing recitation therefore does not, and is not intended to, expand or limit the scope of these claims.

The above amendments are believed to be appropriate in all respects and add no new matter. Accordingly, entry of these amendments prior to the first Action in this application is respectfully requested.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,
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